



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,628	06/26/2006	Naoyuki Onoda	10993.0272	9660
22852	7590	10/20/2011	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			ROBINSON, CHANCEITY N	
			ART UNIT	PAPER NUMBER
			1722	
			MAIL DATE	DELIVERY MODE
			10/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/584,628

Applicant(s)

ONODA ET AL.

Examiner

CHANCEITY ROBINSON

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1, 4-6, 8-12 and 14-19 is/are pending in the application.
- 5a) Of the above claim(s) 10-12 and 14-16 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1, 4, 6, 9, 17 and 19 is/are rejected.
- 8) ☒ Claim(s) 5, 8 and 18 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date ____
- 6) ☐ Notice of Informal Patent Application
- 7) ☐ Other: ____

DETAILED ACTION

1. The Applicant's request for reconsideration filed on August 24, 2011 was received. Claims 1, 4, 8 and 9 have been amended. Claims 10-12 and 14-16 have been withdrawn. Claims 2, 3, 7 and 13 have been canceled.
2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on May 25, 2011.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 6, 9, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshida et al. (US 5,856,066).

With regards to claims 1, 4, 6, 9, 17 and 19, Yoshida et al. disclose a method (process) for producing a water-developable photopolymer plate for letterpress printing plate (col. 1, lines 8-14), wherein the plate is made from a photopolymer (photosensitive resin composition A; col. 4, lines 16-37 and col. 12, lines 43-50 and example 1), comprising an exposure step (col. 9, line 40- col. 10, line 30), a development step (col. 3, lines 33-64) and a post-exposure step (col. 9, lines 40-47, col. 10, lines 51-59 and col. 11, lines 8-37). The method further comprises a contact step after the exposure step and during the developing step

Art Unit: 1722

(developer comprising the silicone compound mixture with one or more reactive functional group (SH-4); example 1) and a step of irradiation with actinic light (col. 11, lines 8-23) after the contact step (developing step). The developer comprising the defoaming agent SH-4, which is a silicone mixture comprising one or more reactive functional groups selected from hydroxy group, a carbinol group, an epoxy group, a (meth)acrylate group, a carboxyl group, a carboxylate group, and/or an amino group. The photopolymer comprises a binder polymer comprising a mixture of a polar group-containing polymer (polyether) and a hydrophobic polymer (polyurethane polymer; example 1); an ethylenic unsaturated monomer and photopolymerization initiator (col. 4, lines 19-37).

Response to Arguments

5. Applicant's arguments with respect to claims 1, 4-6, 8-9 and 17-19 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

6. Claims 5, 8 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Examiner's Suggestion

7. Examiner suggests claim 1 be amended to recite, "a binder polymer mixture comprising a polar group-containing polymer and a hydrophobic polymer;". Examiner notes since the binder polymer is comprised of two different polymers, then the binder should be called either a binder polymer mixture or a

Art Unit: 1722

binder polymer blend. It is noted that the recitation of "a binder polymer" is singular. This suggestion is for the clarity purposes only.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHANGEITY ROBINSON whose telephone number is (571)270-3786. The examiner can normally be reached on Monday to Friday (with every other Friday off): 9:00 -6:00 pm eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on (571)272-1526. The fax

Art Unit: 1722

phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chanceity N Robinson/
Examiner, Art Unit 1722

/Cynthia H Kelly/
Supervisory Patent Examiner, Art Unit 1722